

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, DECEMBER 12, 2007 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Andrew Gonzales, Jill Arabe, Rami Talleh, Pamela Avila
(recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2007-040; COASTAL DEVELOPMENT PERMIT NO. 2007-009 (SARTOR RESIDENCE)

APPLICANT: Walter Heim, 504 Westminster Avenue, Newport Beach, CA 92663
PROPERTY OWNER: Gary & Milly Sartor, 16136 Tortola Circle, Huntington Beach, CA 92649
REQUEST: **CDP:** To permit an approximately 717 sq. ft., 1st, 2nd, and 3rd floor addition to an existing two-story, attached residential unit;
CUP: To permit an addition to an existing Planned Unit Development.
LOCATION: 16136 Tortola Circle, 92649 (south of Edinger Ave., east of Trinidad Ln., Huntington Harbor)
PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Seagate Lagoon Homeowners' Association has approved the project.

THE PUBLIC HEARING WAS OPENED.

THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

CONDITIONAL USE PERMIT NO. 2007-040; COASTAL DEVELOPMENT PERMIT NO. 2007-009 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED

THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because additions to existing structures are exempt provided that they are less than 50% of the floor area of the existing structure.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007 - 009:

1. Coastal Development Permit No. 2007-009 to construct an approximately 717 sq. ft., 1st, 2nd, and 3rd floor addition to an existing town home, conforms to the General Plan, including the Local Coastal Program Land Use designation of Residential Low-Density. The proposed project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposal is a minor addition to a single family home on a site that is developed with attached housing.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project complies with all applicable development regulations, including maximum building height, minimum yard setbacks, maximum site coverage and minimum on-site parking.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed addition will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.
4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-040:

1. Conditional Use Permit No. 2007-040 to construct an addition to an existing Planned Unit Development will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed addition is compatible with the existing planned unit condominium development. The addition does not exceed the established overall building height and consists of matching exterior finishes and colors. The proposed addition complies with the requirements of the Zoning & Subdivision Ordinance and requires no additional on-site parking. The proposed addition is a negligible expansion to an existing structure resulting in a slight increase in the overall building envelope. The addition is not anticipated to create a determinant as it is consistent with previously approved improvements in the surrounding area.

2. The conditional will be compatible with surrounding uses because the proposed addition will not significantly alter the design, size, or massing of the existing dwelling. The proposed addition will not increase the overall height of the subject dwelling and is designed to match the materials and colors of the existing dwelling and the attached dwelling units.
3. The proposed Conditional Use Permit No. 2007-040 will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, including maximum building height, minimum yard setbacks, maximum site coverage and minimum on-site parking.
4. The granting of the conditional use permit will no adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Residential Low-Density – 7 units/acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 9.2.1: Require that all new residential development within existing neighborhoods be compatible with existing structures, including the:

LU 9.2.1b: Use of building heights, grade elevations, orientation, and bulk that are compatible with surrounding development.

LU 9.2.1c: Maintenance of privacy on abutting residence.

The proposed addition will be constructed to match the height of the existing dwelling. The proposed "loft" addition will be constructed largely within the volume of the second story roof, and will feature a roof pitch which closely matches the existing roof, thus maintaining compatibility with existing structures in the complex. Windows in the proposed addition are oriented toward the street and the harbor channel, and consequently will have no detrimental impact to the privacy of abutting residences.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-009/CONDITIONAL USE PERMIT NO. 2007-040:

1. The site plan, floor plans, and elevations received and dated October 26, 2007 shall be the conceptually approved design.
2. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall

defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 2: CONDITIONAL USE PERMIT NO. 2007-027 (JANKOVICH WALL)

APPLICANT/

PROPERTY OWNER: Troy & Debbie Jankovich, 501 21st Street, Huntington Beach, CA 92648

REQUEST: To permit a 22 inch high retaining wall topped with a 38 inch high screen wall (total of five feet in height) in lieu of the maximum allowed height of 18 inches for a retaining wall, located within the minimum required three foot front yard setback for walls.

LOCATION: 501 21st Street, 92648 (northwest corner of Pecan Ave. and 21st St.)

PROJECT PLANNER: Jill Arabe

Jill Arabe, Planning Aide, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project. The request is a result of a code enforcement violation issued July 17, 2007 for the construction of a wall without City permits.

Staff stated that the wall does not comply with Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and may potentially impair the visibility of vehicles and pedestrians at the street intersection. The proposed wall is not compatible with other walls in the neighborhood.

Staff recommended denial based on suggested findings listed in the executive summary.

One letter in support of the proposal was received.

Mary Beth Broeren, Zoning Administrator, asked when the wall was built. Staff advised it was cited in July and had already been built at that time.

THE PUBLIC HEARING WAS OPENED.

Debbie Jankovich, co-applicant, brought letters of support and cited the prior approval of a neighbor's wall as support for her request. Ms. Jankovich mentioned the problems they have had with their wall. She mentioned that she already obtained permits for gas and electrical work and did not understand why she was not apprised at that time that she needed another permit.

Troy Jankovich, co-applicant, said that the wall height had remained the same, however it was placed closer to the property line.

Jessica Williams, neighbor, expressed her support for the Jankovich's request.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Ms. Broeren asked Jim Wagner, Public Works Staff, if the City looked at this intersection and Mr. Wagner stated that the site triangle needed to have 25 ft. visibility. Public Works considers this corner a hazard.

Ms. Broeren stated that she could not compare this proposal to a prior proposal that was approved as each case is viewed individually and further, that Public Works has a concern regarding this wall. Ms. Broeren stated that she has a concern about general aesthetics and would be willing to continue the item if the applicant wanted to obtain a traffic analysis addressing the corner visibility issues.

CONDITIONAL USE PERMIT NO. 2007-027 WAS CONTINUED TO JANUARY 9, 2008 MEETING. THE PUBLIC HEARING IS CLOSED BUT CAN BE RE-OPENED IF THERE IS SUBSTANTIVE NEW INFORMATION.

ITEM 3: COASTAL DEVELOPMENT PERMIT NO. 2007-017; CONDITIONAL USE PERMIT NO. 2007-042; VARIANCE NO. 2007-011

APPLICANT: Karen Otis – Otis Architecture, 16871 Sea Witch Lane, Huntington Beach, CA 92649

PROPERTY OWNER: Mike Younessi – Alea Investments, LLC, 16033 Bolsa Chica St., #104-200, Huntington Beach, CA 92649

REQUEST: **CDP:** To permit an approximately 4,283 sq. ft. single-family dwelling with a 483 sq. ft. attached garage; **CUP:** To permit an approximately 1,162 sq. ft. 3rd story deck; **VAR:** To permit a 19 ft. front yard setback, in lieu of the minimum required 20 ft. front yard setback, for a front entry garage. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/ privacy issues, such as window alignments, building pad height, and floor plan layout.

LOCATION: 4022 Morning Star Drive, 92649 (south side of Morning Star Dr., west of Edgewater Ln.)

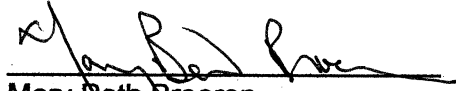
PROJECT PLANNER: Andrew Gonzales

Ms. Broeren stated that the applicant had requested a continuance.

AS THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST THE PUBLIC HEARING WAS NOT OPENED.

COASTAL DEVELOPMENT PERMIT NO. 2007-017; CONDITIONAL USE PERMIT NO. 2007-042; VARIANCE NO. 2007-011 WAS CONTINUED TO A DATE UNCERTAIN AT THE APPLICANT'S REQUEST WITH RE-NOTIFICATION AND WITH THE PUBLIC HEARING OPEN.

THE MEETING WAS ADJOURNED AT 2:00 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, DECEMBER 19, 2007 AT 1:30 PM.


Mary Beth Broeren
Zoning Administrator

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